

Lore of the Corps

The Life and Career of Thomas A. Lynch: Army Judge Advocate in the Philippines and Japanese Prisoner of War

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Little is known about the officers who served in The Judge Advocate General's Department (JAGD) prior to World War II, if only because there were relatively few lawyers in uniform in the "Old Army."¹ Even less is known about men who served in the JAGD of the Philippine Scouts in the 1920s and 1930s. But one lawyer who served as a judge advocate prior to World War II, and spent the majority of his time as a military attorney in the Philippines, was Thomas A. Lynch. He served in the Philippine Islands as a private, corporal and sergeant in the early 1900s and ultimately retired as a major in JAGD of the Philippine Scouts in 1934. Recalled from retirement in 1940, Lynch was the Staff Judge Advocate, U.S. Forces in the Philippine Islands, when he was taken prisoner by the Japanese in 1942. He survived captivity and retired from the Army a second time in 1946.

Born in Chicago, Illinois on March 2, 1882, Thomas "Tom" Austin Lynch graduated from high school at age 19.² He seems to have worked in Chicago as an office clerk for the Chicago and New Hampshire Railroad before enlisting in the 17th Infantry Regiment on March 28, 1904³. After a short period of service in Cuba, he sailed with his unit to the Philippines where he subsequently served as a private, corporal, sergeant and First Sergeant of Company "F" of that Regular Army unit.

His military records show that he was five foot, six inches tall and weighed 140 lbs. when he enlisted. He had blue eyes and brown hair. He also had a tattoo of a butterfly

(on his left forearm and upper right arm), which he most likely obtained while soldiering in the Philippines. Lynch also picked up some knowledge of Spanish while serving in Cuba and the Philippines, although his records indicate that he spoke it poorly.

Tom Lynch was a talented soldier of proven ability. He not only participated in campaigns against Filipino insurgents on Mindanao in 1904-1905 (his records reflect one year, seven months of "combat" duty)⁴ but his superiors were sufficiently impressed with Lynch that he was offered a commission in the Philippine Scouts.⁵ After slightly more than seven years in the ranks, Lynch took his oath of office as a second lieutenant on February, 16 1912. A year later, he was serving as the "Presidente of Parang and Deputy District Governor" of Cabato, Mindanao.⁶

In 1915, when he was 33 years old, Lynch enrolled in correspondence courses offered by the Hamilton College of Law.⁷ His military records from May of 1919 show that he studied law by correspondence for three years but did not

⁴ *Id.*

⁵ Created by the Army in 1899, the Philippine Scouts were recruited from the indigenous population of the Islands and used to suppress the increasingly vicious insurgency led by Emilio Aquinaldo against the new American colonial regime. In 1901, Congress made the Scouts part of the Regular Army, and assumed responsibility for their pay and entitlements. The Scouts were now a "military necessity" as congressional authorization for the U.S. volunteer army had expired, leaving only U.S. Regular troops and the fifty companies of Scouts (about 5,000 men) to maintain law and order in the Philippines. PAUL A. KRAMER, *THE BLOOD OF GOVERNMENT* 113-14 (2006). By the time 2d Lt. Lynch accepted a commission in the Scouts in 1912, the Scouts were an important military force the Philippines. While soldiers enlisting in the Scouts were exclusively native-born recruits, many Scout officers also were Filipino---in contrast to Lynch. A significant number also were U.S. Military Academy graduates, as West Point had begun admitting Filipinos in 1908; by 1941, 16 of 38 native Scout officers were USMA graduates. See JEROLD E. BROWN, *HISTORICAL DICTIONARY OF THE UNITED STATES ARMY* 366-67 (2001).

⁶ Lynch was stationed on Mindanao because guerilla activity persisted on that island---and the islands of Samar, Cebu and Jolo---until 1913, when then Brigadier General John J. Pershing and troops of the 8th Infantry finally defeated Moro insurgents at the battle of Bud Bagsak on Jolo Island. JERRY KEENAN, *ENCYCLOPEDIA OF THE SPANISH-AMERICAN AND PHILIPPINE-AMERICAN WARS* 52 (2001).

⁷ Located in Chicago, Illinois, the Hamilton College of Law advertised that it was "absolutely the ONLY law school of its kind in America" and the "only law school giving a full 3-year University Law course by mail." Lynch probably knew about the Hamilton College of Law because he was from Chicago, but the institution also advertised in magazines that Lynch would have seen in the Philippines. See *COSMOPOLITAN MAGAZINE* (Dec. 1914), 26.

¹ For old soldiers and veterans, the term "Old Army" refers to an army of an earlier period, usually before the last war. Most military historians consider the "Old Army" to be the peacetime Army before World War II, and this Lore of the Corps uses the words in that manner. For more on this phrase, see EDWARD M. COFFMAN, *THE OLD ARMY* (1986). Lawyers in the Old Army were relatively few, but this is understandable given that, from 1922 to 1935, the Army's strength never exceeded 150,000. In the late 1930s, the JAGD had a total of 90 uniformed lawyers, 36 of whom were in Washington, D.C. *JUDGE ADVOCATE GENERAL'S CORPS, THE ARMY LAWYER* 156 (1975).

² Thomas A. Lynch may have been born on 2 June 1885, and not 2 June 1882. According to one of his granddaughters, he gave the Army an earlier date of birth (DOB) because he was not old enough to enlist. This may be true, but all of Lynch's military records reflect his DOB as 2 June 1882. Additionally, since Lynch enlisted on 28 March 1904, he was already 18 years of age and, as he had reached the age of majority, there would have been no need to falsify his DOB. His actual birthday remains a mystery. Email, Elizabeth Lynch Pitt to author, (Dec. 17, 2014, 9:40PM) (on file with author).

³ War Department Adjutant General's Corps Form No. 66-1, Officer's and Warrant Officer's Qualification Card, Lynch, Thomas A. (9 Sep. 1945), Block (9) War Service.

graduate. These legal studies, were apparently sufficient for Lynch to begin practicing Army law as there was no requirement for a judge advocate to be a law school graduate, or be admitted to the practice of law in any court.⁸

In any event, after serving as Adjutant for Philippine Scouts stationed at Camp Claudio, now Captain (CPT) Lynch was transferred to Fort Santiago in Manila and given his first work as an Army attorney. His Special Efficiency Report for April to September 1919 identifies Lynch as “Assistant to the [Philippine] Department Judge Advocate.” His job? “Assisting in court-martial reviews, etc., looking up law citations and writing of legal opinions.”⁹

While marked as “above average” rather than “superior” when it came to “physical energy and endurance, judgment and common sense, and attention to duty,” this seems to have been a fairly standard grade on an efficiency report for a Philippine Scout officer. After all, in writing “a brief general estimate” of Lynch, Lieutenant Colonel (LTC) Dennis P. Quinlan, his immediate superior, described him as a “fairly well educated officer ... an intelligent, sober, zealous, well-ballasted man” (although precisely what his rater meant by that last term is not clear). Quinlan further described Lynch as “a loyal subordinate, thoroly [sic] conscientious, all-round officer, competent to command [a] regiment in an emergency.”¹⁰ This would appear to have been high praise for the era.

After being promoted to major (MAJ) on July 1, 1920, Lynch continued his work as an Army lawyer. He wore the crossed quill-and-sword insignia on his collar and served as a “Law Member”¹¹ at general courts-martial convened in the Philippines. Lynch also performed duties as a trial counsel at general courts,¹² reviewed court-martial records and

prepared legal opinions. But this was not a full-time position, as his military records show that MAJ Lynch also served as an “Athletic officer,” “Salvage officer,” “Assistant to the Post Quartermaster” and “Regimental Adjutant” between 1920 and 1922.¹³



Major Thomas A. Lynch, Manila, Philippine Islands, 1924.

By 1925, MAJ Lynch was devoting his time exclusively to legal matters as Assistant Department Judge Advocate in Manila. His duties included “preparation of opinions, examinations of G.C.M. records, writing reviews, giving advice on legal questions, and [serving] as trial judge advocate.” His rater, Lieutenant Colonel (LTC) A. R. Stallings, the Philippine Department Judge Advocate, described MAJ Lynch as follows in his November 1925 evaluation of him:

This officer is a careful competent reliable sound lawyer. Has no habits that interfere with his duties. Familiar with the manual [for courts-martial] and an excellent trial J[udge] A[dvocate]. Courteous, and of splendid disposition. Conscientious, capable and fair. Has just been

⁸ In the 19th and early 20th century, it was quite typical for men to become lawyers through self-study and apprenticeship. President Abraham Lincoln, for example, who had but a single year of formal education, was admitted to the Illinois Bar after a period of “reading for the Bar.”

⁹ U.S. War Department, Form No. 711, Efficiency Report, Lynch, Thomas A. (25 Nov. 1919) (covering period 16 September 1919 to 25 November 1919).

¹⁰ U.S. War Department, Form No. 706, Special Efficiency Report for Regular Officers, Lynch, Thomas A. (3 Sep. 1919) (covering from 4 April 1919 to 1 September 1919).

¹¹ While the law member was the forerunner of today’s military judge, his role and authority were markedly different in the 1920s. The law member was tasked with ruling “in open court” on all “interlocutory questions.” These were defined by the 1921 *Manual for Courts-Martial* as “all questions of any kind arising at any time during the trial” except those relating to challenges, findings and sentence. But the law member’s rulings were only binding on the court when the interlocutory question concerned admissibility of evidence. On all other interlocutory questions, the law member’s decision could be overturned by a majority vote of the members. Interestingly, the law member also participated in all votes taken by the members, including findings and sentencing. *MANUAL FOR COURTS-MARTIAL, UNITED STATES* ¶ 89a(2), (3), (6) (1921).

¹² U.S. War Department, Form No. 711, Efficiency Report, Lynch, Thomas A. (1 Feb. 1922) (covering period 14 Oct. 1921 to 31 Jan. 1922).

¹³ U.S. War Department, Form No. 711, Efficiency Report, Lynch, Thomas A. (7 Sep. 1921) (covering period 1 Jul. 1921 to 15 Aug. 1921).

admitted to practice in Philippine Courts. Is very loyal and dependable and an all round experienced lawyer.¹⁴

The following year, LTC Hugh C. Smith, who had replaced Stallings as Department Judge Advocate, also lauded Lynch's abilities as an attorney. He was, wrote Smith, "particularly valuable ... on account of his long service here and his knowledge of Philippine laws and customs and his knowledge of precedents and policies pertaining to questions arising in this office."¹⁵ Although some Anglo-American legal principles had been injected into the Philippine legal system by U.S. authorities after the Spanish-American War, much of Philippine law still was chiefly based on Spanish civil and penal codes, a holdover from the Spanish colonial rule of the archipelago.

In August 1926, MAJ Lynch sailed from Manila to San Francisco, California, and then took leave in New York City. In November, at the end of this authorized absence, he reported for duty at the Office of the Judge Advocate General in Washington, D.C. For the next four years, Lynch served in the Military Affairs Section. Akin to today's Administrative and Civil Law Division at the Office of The Judge Advocate General, military attorneys working in the Military Affairs Section were busy with all manner of non-criminal work involving the Army. According to his military records, he did well in the War Department. "He demonstrated resourcefulness and power of close analysis" and was "a very helpful assistant in the solution of a variety of legal questions."¹⁶

In November 1930, MAJ Lynch returned to the Philippine Islands, and resumed his work as the Assistant Department Judge Advocate. His new boss, Colonel (COL) William Taylor, praised him as "superior" in nine of ten categories, including intelligence, judgment and common sense, and leadership. As Taylor put it, MAJ Lynch was "eminently qualified to serve as a judge advocate anywhere, but especially in the Philippine Islands." This was because he was "thoroughly familiar with all the conditions and laws in force in the Philippines" and was "alive to his surroundings and can be relied upon in any and all situations." But not everyone agreed with Taylor's assessment. Major General John L. Hines, then commanding the Philippine Department, wrote this "indorsement" to MAJ Lynch's report: "An excellent

officer, but this report is entirely too enthusiastic in its praise."¹⁷

Hines had previously served as Army Chief of Staff (from 1924 to 1926)¹⁸ and so his opinion certainly carried some weight--but one wonders if Hines really was able to judge MAJ Lynch's value to the Philippine Department. After all, Lynch's next report card stated the following:

He is especially valuable here because of his familiarity with local laws and conditions. He is a mature man of exceptionally high ideals and he lives in accord with them. He has spent a great portion of his mature life in the Philippines and has acquired an unusual fund of information about the administration and laws of the insular government. He is studious and strong minded.¹⁹

Major Lynch retired from the Regular Army on August 31, 1934, with slightly more than 30 years active duty. This was the minimum period of time required for retirement before World War II and it seems that, having satisfied the number of years needed for a military pension, MAJ Lynch decided it was time to retire from active service. But he liked living in the Philippines and decided to remain there. Having moved out of Army housing, Lynch and his family acquired a home in Manila, and he established a private law practice in downtown Manila.²⁰

Six years later, with war on the horizon after the German attacks on Poland in 1939, the Low Countries and France in 1940, an alarmed Congress authorized the induction of Reservists. It passed America's first peacetime draft the following month. As the Army began expanding, retired officers with special talents and abilities were recalled to

¹⁴ U.S. War Department, Efficiency Report, Lynch, Thomas A. (7 Nov. 1925) (covering 1 July 1925 to 7 November 1925).

¹⁵ U.S. War Department, Efficiency Report, Lynch, Thomas A. (30 Jun. 1926) (covering period 7 November 1925 to 30 June 1926).

¹⁶ U.S. War Department, Adjutant General's Office Form No. 67, Efficiency Report, Lynch, Thomas A. (1 Jul. 1928) (covering 1 July 1927 to 30 June 1928).

¹⁷ U.S. War Department, Adjutant General's Office Form No. 67, Efficiency Report, Lynch, Thomas A. (13 Oct. 1931) (covering 1 July 1931 to 12 October 1931).

¹⁸ John Leonard Hines was a remarkable man by any measure. Born in West Virginia in May 1868, he was an 1891 graduate of the U.S. Military Academy. Commissioned as an Infantry officer, Hines served in the Santiago de Cuba campaign (1898), Philippine Insurrection (1899-1902), and Punitive Expedition into Mexico (1916). In World War I, Hines served first as a regimental commander, and then as the commanding general of a brigade, division and corps in the American Expeditionary Force. This put him into the history books, as Hines was the only Army officer in World War I to command a regiment, brigade, division and corps in combat. The recipient of the Distinguished Service Cross, Distinguished Service Medal, and Silver Star, Hines served first as Deputy Chief of Staff (1922-1924), and then as Chief of Staff. He retired in 1932 as a major general but was advanced to four star rank in 1940. Hines died five months after celebrating his 100th birthday, and is buried in Arlington National Cemetery. In 2000, the U.S. Postal Service issued a postage stamp honoring him. ARLINGTON NATIONAL CEMETERY WEBSITE, <http://www.arlingtoncemetery.net/jlhines.htm> (last visited Mar. 4, 2015).

¹⁹ War Department, Adjutant General's Office Form No. 67, Efficiency Report, Lynch, Thomas A. (9 Jul. 1932) (covering period 13 October 1931 to 30 June 1932).

²⁰ War Department Form 66-1, *supra* note 3.

active duty. Recognizing that a judge advocate of MAJ Lynch's experience would be valuable in the Philippines, he was recalled on November 15, 1940, and promoted to LTC.²¹ He was now 58 years old, well beyond the normal age for soldiering, but a war was coming and his services as a lawyer in uniform were needed.

In early 1941, LTC Lynch assumed duties as Executive Officer to the Philippine Department Judge Advocate. As the threat of a Japanese attack became more likely, his wife Grace, and youngest son, William, were evacuated to the United States.²² But Lynch remained in Manila and was still serving as Executive Officer when the Imperial Japanese Army invaded the archipelago on December 8, 1941. As the American-Filipino defense of the islands got underway, Lynch took on a number of non-legal duties. He was the Chairman of the Enemy Alien Board in Manila and the Liaison Officer to the Civil Government in Bataan Province. In the former position, he oversaw the detention process of Japanese citizens residing in the Philippines. Since there were a large number of Japanese nationals living and working in the islands, this was no small undertaking. In the latter position, LTC Lynch was involved in the handling of refugees fleeing the advancing Japanese Army.

During the retreat of American and Filipino forces from central Luzon into Bataan, LTC Lynch also assumed duties as Transportation Assistant to the Quartermaster. He saw combat and, on 29 December 1941, was wounded in action by bomb fragments (lower left leg and left hand) from Japanese artillery fire. He was later awarded the Purple Heart for these combat injuries.²³

Corregidor, a rocky, two-mile-square island that sits astride the entrance to Manila Bay, was the final defensive position for American and Filipino forces. As units began moving onto the island, Lynch was placed in command of Cabcaban Pier, which was the major off-loading point for materiel going from onto the island. He handled "all unloadings" between December 31, 1941 and January 4, 1942.

Lynch was promoted to colonel on March 28, 1942, and re-assigned as Staff Judge Advocate, U.S. Forces in the Philippine Islands. In this position he provided the full range of legal advice to Lieutenant General Jonathan "Skinny" Wainwright, the senior most Army officer in the

Philippines after General Douglas MacArthur left for Australia in March 1942.²⁴ When Wainwright surrendered all U.S. forces on Corregidor on May 6, 1942, he and Tom Lynch went into Japanese captivity.²⁵

Colonel Lynch's records do not reveal where he was initially confined as a Prisoner of War (POW) but he probably was at a camp for senior officers (generals and colonels) in the old cadre barracks of the Philippine Army at Tarlac, near Manila. In August 1942, he seems to have been transported along with other generals and colonels to Formosa (today's Taiwan). While in a POW camp in Karenko on Formosa, "Judge" Lynch (as he was known to his comrades-in-arms), rescued a fellow officer, COL Abe Garfinkle, who "slipped and almost fell into the forbidden pool."²⁶ According to a book of cartoons about daily life as a POW life drawn by a fellow prisoner of war, COL Malcolm Fortier, and miraculously preserved throughout his captivity, Judge Lynch saved Garfinkle by grabbing his foot, thereby preventing his fall into the liquid. It is not clear what was "forbidden" about the pool but it seems to have been a place to be avoided.

In June 1943, COL Lynch and his fellow POWs were moved to a new camp near Shirakawa, Formosa. The following year, in October 1944, the POWs were transported by ship to Manchuria. They then travelled by railway to their new camp in Mukden. This was a tough experience for Lynch and his fellow POWs, as they had been living in a tropical climate on Taiwan and were now in "sub-Arctic weather (47 degrees)" [below zero Fahrenheit].²⁷

During his captivity from 1942 to 1945, COL Lynch---like his fellow POWs---was chiefly concerned with survival. There was never enough food to eat, although the men did begin to receive Red Cross food parcels at some point and this no doubt helped. Nonetheless, at the end of their captivity, the POWs were eating anything they could find, including "green" sunflower seeds and tree snails. Some men lost 20 lbs. in the last month of their imprisonment; when COL Lynch was liberated by advancing Soviet troops on August 20, 1945, he weighed 116 lbs.²⁸

²¹ *Id.*

²² Lynch and his wife, Grace, had four sons and one daughter; all were born in the Philippines while he was serving with the Philippine Scouts. By 1941, his two oldest sons, Robert and Douglas, were adults and were working in the United States. His third son, James, was studying to be an engineer in Indiana, and his daughter, Helen, was married to a U.S. Navy officer stationed outside the Philippines. William was the only child still at home with him and his wife. War Department Form 66-1, *supra* note 3.

²³ Headquarters, U.S. Forces in the Philippines, Gen. Orders No. 26 (13 Apr 1942).

²⁴ Jonathan Mayhew Wainwright "was a tough, professional soldier" whose heroic defense of the Philippines "became a symbol of defiance at a time of national calamity." He was awarded the Medal of Honor after his release from captivity in 1946. His nickname, "Skinny," came from his gaunt, gangly physique. JOHN C. FREDRIKSEN, *AMERICAN MILITARY LEADERS VOL. II 842* (1999)

²⁵ Lynch avoided the so-called Bataan Death March, as he was on Corregidor; the Bataan Death March had occurred a month earlier, on 9 April 1942.

²⁶ MALCOLM VAUGHN FORTIER, *THE LIFE OF A P.O.W. UNDER THE JAPANESE 46* (1946).

²⁷ *Id.*, at 110.

²⁸ *Id.*, 124.

Tom Lynch was a lucky man; many Americans had not survived captivity. Additionally, the Japanese High Command had given orders that all POWs in various camps in the Mukden area--including the camp where Lynch was imprisoned--were to be killed. This explains why a small team of Office of Strategic Services (OSS) agents parachuted from a low-flying bomber on August 15, 1945 and moved to the Mukden camp area to prevent the massacre of American and Allied POWs.²⁹

Repatriated to the United States in early September 1945, COL Lynch had a period of "rest and recuperation" before appearing before an "Army retiring board" on January 26, 1946. A medical examination had previously "found [Lynch] to be permanently incapacitated" as a result of severe arteriosclerosis. As the board concluded that this physical infirmity was the direct result of his captivity as a POW, the board directed that Lynch "be relieved from active duty . . . at the expiration of his rest and recuperation leave" and retired as a colonel.³⁰



Colonel (Retired) Thomas A. Lynch, Bethesda, Maryland, 1952.

Shortly thereafter, the War Department awarded Lynch the Legion of Merit in recognition of his six months of difficult service on Bataan and Corregidor. His citation reads:

Colonel Thomas A. Lynch distinguished himself by exceptionally meritorious conduct in the

²⁹ For more on this Office of Strategic Services mission, see HAL LEITH, *POWS OF JAPANESE: RESCUED!* (2004). While the intent of the OSS was to rescue high-ranking officers like Lieutenant General Wainwright, COL Tom Lynch and his fellow POWs also were beneficiaries of this rescue mission.

³⁰ Memorandum for the Secretary of War's Personnel Board, subj: Benefits under Public Law 101-78th Congress, Lynch, Thomas A. (26 Feb. 1946).

performance of outstanding services from December 1941 to May 1942, on Bataan and Corregidor, Philippine Islands. In the several capacities as Executive to the Philippine Department Judge Advocate, President of the Enemy Alien Board, Transportation Assistant to the Quartermaster during the movement into Bataan, Liaison Officer with the Bataan Civil Government and as Judge Advocate for U.S. Forces in the Philippines, he displayed superior political and legal knowledge in his sound advice to his superiors which assisted in solving many pressing problems.³¹

When he retired, 63-year old COL Lynch lived in Bethesda, Maryland. In 1949, his wife, Grace, died. Two years later, in June 1951, he married Marietta Wilmot. They subsequently had a daughter and son--which means that Lynch was a new father when he was in his early 70s.



Colonel (Retired) Thomas A. Lynch with his step-son and youngest son, Bethesda, Maryland, 1956.

Colonel Tom Lynch was an outstanding Army lawyer. He also was a remarkably resilient and tough individual; his survival in the tropics, under fire in battle, and as a POW from 1942 to 1945 proves this to be the case. His medical condition at the end of his POW experience, while serious, did not prevent him from living a full life as a retired judge advocate.

³¹ Lynch, Military Personnel File. Lynch's Legion of Merit was approved by the War Department on 1 July 1946.

COL Lynch died of pneumonia at Walter Reed General Hospital on December 18, 1962. He was 80 years old. Lynch was buried with full military honors at Arlington National Cemetery, and both his wives are buried next to him.³²

³² Department of the Army, Form DD 1300, Report of Casualty, Lynch, Thomas A. (19 Dec. 1962).